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SUPREME COURT
STATE OF WASHINGTON

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BY RONALD R. CARPENTER

No. 82842-3

CLERK

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

KEVIN DOLAN and a class of similarly
situated individuals,)

Respondent,)

v.)

KING COUNTY, a political subdivision
of the State of Washington,)

Petitioner.)

NO. 82842-3

[Pierce County Superior Court
No. 06-2-04611-6]

ANSWER TO COURT'S
QUESTION ABOUT FURLOUGHS

At oral argument on October 28, 2010, the Court asked about
furloughs, and particularly whether they were negotiated with or agreed to
by the King County public defense agencies. The answer is no, they were
"unilaterally imposed" by King County.

King County unilaterally imposed the same "furlough"
budget reduction on the public defense agencies that it
imposed on the prosecutor's office. And the County told
the public defense agencies that the County furlough cuts
would be restored if the Prosecutor's furlough cuts were
restored.

Respondent's Brief at 26; *see also* Declaration of Anne Daly Re:

Furloughs (§9: 'Furlough' not negotiated but imposed) and Declaration of

Eileen Farley Re: Furloughs, attached.

ANSWER TO COURT'S QUESTION ABOUT FURLOUGHS - 1

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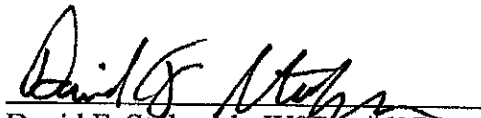
ORIGINAL

FILED AS
ATTACHMENT TO EMAIL

Respondents had filed these declarations with this Court with a Motion to Supplement the Record. The Court Commissioner, by letter ruling, did not allow them to be filed as they had not been submitted to the trial court. However, they could not have been filed with the trial court as the event occurred after trial, and the Court's questions at oral argument indicate that all of the requirements of RAP 9.11(a) have been met.

Dated this 29~~th~~ day of October, 2010

BENDICH, STOBAUGH & STRONG, P.C.


David F. Stobaugh, WSEA #6376
701 Fifth Avenue, Suite 6550
Seattle, WA 98104
(206) 622-3536

CERTIFICATE OF SERVICE

I certify under penalty of perjury in accordance with the laws of the State of Washington that the original and one copy of the preceding Answer to Court's Question About Furloughs was electronically filed with the Supreme Court in Olympia, Washington, on October 29, 2010.

I further certify that a copy of this document was served by USPS regular mail postmarked October 29, 2010 on counsel for Appellant:

Philip Talmadge
Talmadge/Fitzpatrick
18010 Southcenter Parkway
Tukwila, WA 98188

I further served Mr. Talmadge by e-mail on October 29, 2010, at his e-mail address: Phil@tal-fitzlaw.com.

James K. Pharris
1125 Washington St SE
PO Box 40100
Olympia WA 98504.

I further served Mr. Pharris by e-mail on October 18, 2010, at his e-mail address: JamesP@atg.wa.gov.

I certify under penalty of perjury of the laws in the State of Washington that the foregoing is true and correct.

DATED: October 18, 2010, at Seattle, Washington.



Monica I. Dragoiu, *Legal Assistant*

ATTACHMENT

NO. 82842-3

SUPREME COURT OF THE STATE OF WASHINGTON

[Pierce County Superior Court No. 06-2-04611-6]

KEVIN DOLAN, *et al.*,

Respondents,

v.

KING COUNTY,

Appellant.

DECLARATION OF ANNE DALY RE: FURLOUGHs

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Stephen K. Strong, WSBA #6299
Lynn S. Prunhuber, WSBA #10704
Stephen K. Festor, WSBA# #23147
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(206) 622-3536

Attorneys for Respondents

COPY

Anne Daly testifies as follows:

1. I am Anne Daly, the Executive Director of Society of Counsel Representing Accused Persons (SCRAP), one of four public defense agencies for King County.
2. I previously submitted a declaration for the plaintiffs which became a part of the trial record evidence in this case. King County also took my deposition, which it submitted as evidence in this case.
3. I read the assertions about furloughs in the Brief of Appellant King County.
4. The brief asserts that the public defense agencies have not been required to participate in King County's mandatory emergency budget furloughs. Brief of Appellant, p. 21, p. 40 fn. 28.
5. This is not accurate, and I have personal knowledge of the facts regarding this issue.
6. The King County Public Defender, V. David Hocraffer, told me that the budget of the Prosecuting Attorney's Office would be reduced by a dollar figure equivalent to either six or ten furlough days. Hocraffer also told me that King County was reducing the public defense agency contract payments for 2009-2010 by a dollar figure equivalent to the number of furlough days required of the Prosecuting Attorney.
7. The King County Public Defender also told me that if the King County Prosecuting Attorney's Office had furlough days restored, King County would restore a proportional amount of furlough dollars to

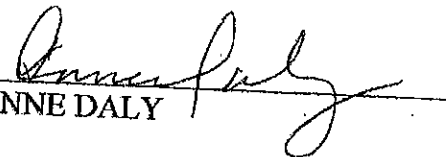
our public defense agency budgets.

8. SCRAP's contract with King County did show "Furlough" reductions in payments. The payment section of the 2009-2010 Contract for Legal Services between SCRAP and King County is attached, in which the cut in payments is labeled "Furlough."

9. This "Furlough" reduction in payments was not negotiated with King County, was imposed on SCRAP, and did not reduce the amount of work SCRAP is required to do under the contract.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 28 day of February, 2010, at Seattle, Washington.


ANNE DALY

ATTACHMENT C

Payment Schedule

This Payment Schedule shall pertain to all cases assigned to the Agency from July 1, 2009 to June 30, 2010. The Agency shall be paid the following monthly amounts for cases and special services:

2009	July Payment	Aug Payment	Sept Payment	Oct Payment	Nov Payment	Dec Payment
Felony (regular & 593s)	181,703	181,703	181,703	181,703	181,703	181,703
Felony (complex) ^a	43,608	43,608	43,608	43,608	43,608	43,608 ^b
Juvenile	50,876	50,876	50,876	50,876	50,876	50,876
King County Misdemeanor	79,949	79,949	79,949	79,949	79,949	79,949
Dependency	94,485	94,485	94,485	94,485	94,485	94,485
Contempt of Court	87,219	87,219	87,219	87,219	87,219	87,219
Calendar Staffing	64,930	64,930	64,930	64,930	64,930	64,930
<u>Agency Admin & Overhead:</u>						
Administration	45,728	45,728	45,728	45,728	45,728	45,728
Indirect Cost	27,012	27,012	27,012	27,012	27,012	27,012
Rent	58,484	58,484	58,484	58,484	58,484	58,484
Furlough	(12,227)	(12,227)	(12,227)	(12,227)	(12,227)	(12,225)
Total Agency Administration and Overhead	118,997	118,997	118,997	118,997	118,997	118,999
Becca	46,130	46,130	46,130	46,130	46,130	46,130
Juvenile 10.101 ^c	18,198	18,198	18,198	18,198	18,198	18,198
Juvenile Drug Court ^d	7,807	7,807	7,807	7,807	7,807	7,807
SCRAP TOTAL	793,902	793,902	793,902	793,902	793,902	793,904

2010	Jan Payment	Feb Payment	Mar Payment	Apr Payment	May Payment	Jun Payment	GRAND TOTAL
Felony (regular & 593s)	181,703	181,703	181,703	181,703	181,703	181,704	2,180,437
Felony (complex) ^a	43,608	43,608	43,608	43,608	43,608	43,616	523,304 ^b
Juvenile	50,876	50,876	50,876	50,876	50,876	50,887	610,523
King County Misdemeanor	79,949	79,949	79,949	79,949	79,949	79,951	959,390
Dependency	94,485	94,485	94,485	94,485	94,485	94,491	1,133,826
Contempt of Court	87,219	87,219	87,219	87,219	87,219	87,200	1,046,609
Calendar Staffing	64,930	64,930	64,930	64,930	64,930	64,924	779,154
<u>Agency Admin & Overhead:</u>							
Administration	45,728	45,728	45,728	45,728	45,728	45,723	548,731
Indirect Cost	27,012	27,012	27,012	27,012	27,012	27,009	324,141
Rent	58,484	58,484	58,484	58,484	58,484	58,479	701,803
Furlough	-	-	-	-	-	-	(73,360)
Total Agency Administration and Overhead	131,224	131,224	131,224	131,224	131,224	131,211	1,501,315
Becca	46,130	46,130	46,130	46,130	46,130	46,129	553,559
Juvenile 10.101 ^c	18,198	18,198	18,198	18,198	18,198	18,200	218,378
Juvenile Drug Court ^d	7,807	7,807	7,807	7,807	7,807	7,805	93,682
SCRAP TOTAL	806,129	806,129	806,129	806,129	806,129	806,118	9,600,177

^a Payment is made on a per credit basis for cases open during the month.

^b This total amount is estimated in consideration of cases open at the beginning of the contract. The actual annual amount may be greater or lesser depending upon new case assignments and the timing of case closing for existing cases.

^c Public Defense Improvement Fund from the Washington State Office of Public Defense.

^d Contingent upon Mental Illness and Drug Dependency (MIDD) funding. \$15,240 is currently available.

^e Second six month payments (January through June) are estimated based on King County Council appropriation.

NO. 82842-3

SUPREME COURT OF THE STATE OF WASHINGTON

[Pierce County Superior Court No. 06-2-04611-6]

KEVIN DOLAN, *et al.*,

Respondents,

v.

KING COUNTY,

Appellant.

DECLARATION OF EILEEN FARLEY RE: FURLOUGHS

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David F. Stobaugh, WSBA #6376
Stephen K. Strong, WSBA #6299
Lynn S. Prunhuber, WSBA #10704
Stephen K. Festor, WSBA# #23147
Bendich, Stobaugh & Strong, P.C.
701 Fifth Avenue, #6550
Seattle, WA 98104
(206) 622-3536

Attorneys for Petitioners

COPY

Eileen Farley testifies as follows:

1. I am Eileen Farley, the Director of Northwest Defenders Association ("NDA"), one of four public defense agencies for King County.
2. I previously provided a declaration submitted by the plaintiffs-respondents as part of the trial record evidence in this case. King County took my deposition, which it also submitted as evidence.
3. I have read the Brief of Appellant King County,
4. The Brief states the public defense agencies have not been required to participate in King County's mandatory emergency budget furloughs. Brief of Appellant, p. 21, p. 40 fn. 28.
5. The King County Office of the Public Defender (OPD) told me that the budget of the Prosecuting Attorney's Office would be reduced by a dollar figure equivalent to either six or ten furlough days. OPD also told me that the public defense agency contract payments would be reduced by a dollar figure equivalent to the same number of furlough days required of the Prosecuting Attorney.
6. The payment section of the 2009-2010 Contract for Legal Services between NDA and King County, copy attached, shows a "Furlough" cut in payments.
7. The Office of the Public Defender also told me that if the King County Prosecuting Attorney's Office had furlough days restored, the public defense agencies would also have a proportional amount of

furlough dollars restored.

8. This "Furlough" reduction in payments did not reduce the amount of work NDA is required to do under the contract and was not negotiated with NDA.

9. I have personal knowledge of the facts regarding this issue. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 1st day of March, 2010, at Seattle, Washington.


EILEEN FARLEY

ATTACHMENT C

Payment Schedule

This Payment Schedule shall pertain to all cases assigned to the Agency from July 1, 2009 to June 30, 2010. The Agency shall be paid the following monthly amounts for cases and special services:

2009	July Payment	Aug Payment	Sept Payment	Oct Payment	Nov Payment	Dec Payment
Felony (regular & 593s)	145,362	145,362	145,362	145,362	145,362	145,362
Juvenile	14,536	14,536	14,536	14,536	14,536	14,536
King County Misdemeanor	58,145	58,145	58,145	58,145	58,145	58,145
Dependency	58,145	58,145	58,145	58,145	58,145	58,145
Contempt of Court	29,074	29,074	29,074	29,074	29,074	29,074
Calendar Staffing	15,485	15,485	15,485	15,485	15,485	15,485
<u>Agency Admin & Overhead:</u>						
Administration	24,384	24,384	24,384	24,384	24,384	24,384
Indirect Cost	14,404	14,404	14,404	14,404	14,404	14,404
Rent	30,442	30,442	30,442	30,442	30,442	30,442
Furlough	(6,302)	(6,302)	(6,302)	(6,302)	(6,302)	(6,300)
Total Agency Administration and Overhead	62,928	62,928	62,928	62,928	62,928	62,930
Juvenile 10.101 ^a	6,066	6,066	6,066	6,066	6,066	6,066
NDA TOTAL	389,741	389,741	389,741	389,741	389,741	389,743

2010	Jan Payment	Feb Payment	Mar Payment	Apr Payment	May Payment	Jun Payment	GRAND TOTAL
Felony (regular & 593s)	145,362	145,362	145,362	145,362	145,362	145,365	1,744,347
Juvenile	14,536	14,536	14,536	14,536	14,536	14,539	174,435
King County Misdemeanor	58,145	58,145	58,145	58,145	58,145	58,145	697,740
Dependency	58,145	58,145	58,145	58,145	58,145	58,145	697,740
Contempt of Court	29,074	29,074	29,074	29,074	29,074	29,055	348,869
Calendar Staffing	15,485	15,485	15,485	15,485	15,485	15,485	185,824
<u>Agency Admin & Overhead:</u>							
Administration	24,384	24,384	24,384	24,384	24,384	24,382	292,606
Indirect Cost	14,404	14,404	14,404	14,404	14,404	14,400	172,844
Rent	30,442	30,442	30,442	30,442	30,442	30,438	365,300
Furlough	-	-	-	-	-	-	(37,810)
Total Agency Administration and Overhead	69,230	69,230	69,230	69,230	69,230	69,220	792,940
Juvenile 10.101 ^a	6,066	6,066	6,066	6,066	6,066	6,067	72,793
NDA TOTAL	396,043	396,043	396,043	396,043	396,043	396,021	4,714,688

^a Public Defense Improvement Fund from the Washington State Office of Public Defense.
^b Second six month payments (January through June) are estimated based on King County Council appropriation.

OFFICE RECEPTIONIST, CLERK

To: Monica Dragoiu
Cc: Phil@tal-fitzlaw.com; JamesP@atg.wa.gov; Hickman, William
Subject: RE: Supreme Court Filing - Case No.: 82842-3

Rec'd 10/29/2010

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Monica Dragoiu [<mailto:mdragoiu@bs-s.com>]
Sent: Friday, October 29, 2010 2:46 PM
To: OFFICE RECEPTIONIST, CLERK
Cc: Phil@tal-fitzlaw.com; JamesP@atg.wa.gov; Hickman, William
Subject: Supreme Court Filing - Case No.: 82842-3

Attached for filing please find Plaintiffs'/Respondents' Answer to Court's Question About Furloughs.

Case Name: Dolan v. King County

Case Number: 82842-3

Name, phone number, bar number and email address of counsel on record filing this document:

David F. Stobaugh
206-622-3536
WSBA: 6376
davidfstobaugh@bs-s.com

Thank you.

*Monica I. Dragoiu, Legal Assistant
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